

# HB428 INTRODUCED



1 HB428  
2 BG3FJJ4-1  
3 By Representative Rehm (N & P)  
4 RFD: Local Legislation  
5 First Read: 09-Apr-24



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A BILL  
TO BE ENTITLED  
AN ACT

Relating to Henry County; to authorize the Henry County Commission to require permits prior to any person or entity conducting outside events for which an admission fee is charged; to require applications and a permit fee; to specify certain requirements on the application; and to provide for ordinances by the county for the commission authorizing the closure of the events and the assessment of civil fines and due process hearings.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall only apply in the unincorporated area of Henry County outside of the corporate limits of any organized and operating municipality.

Section 2. (a) Any person or entity that sponsors or plans to hold an outside event in the unincorporated area of the county for which an admission fee is charged shall obtain a permit from the Henry County Commission. The county commission, by ordinance, may specify the minimum requirements for a permit, including, but not limited to, security, parking, public bathroom facilities, times of operation, or other requirements to provide for the health and safety of



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29 participants and the surrounding public. The person or entity  
30 shall file an application for a permit not less than two  
31 business days prior to the event which shall be accompanied by  
32 a permit fee set by the county commission not to exceed two  
33 hundred fifty dollars (\$250).

34 (b) The contents of an application for a permit shall  
35 be determined by the county commission. The application shall  
36 be signed by the sponsor of the event and the property owner  
37 where the event will be held. The application, in addition to  
38 any other information required, shall contain all of the  
39 following information:

40 (1) The security that will be provided at the event.

41 (2) The bathroom facilities that will be provided to  
42 participants.

43 (3) The parking that will be available for  
44 participants. The sponsor of the event shall acknowledge that  
45 parking will not be permitted on the public right-of-way and  
46 that motor vehicles may be towed if parked on the public  
47 right-of-way.

48 (c) The applicants for a permit by their signature  
49 shall agree to comply with the requirements for the permit and  
50 the information stated on the application.

51 (d) Any event that violates the conditions of the  
52 permit or that creates a public nuisance for participants or  
53 the surrounding property owners may be ordered by law  
54 enforcement to be closed and dispersed.

55 (e) The Henry County Commission, by ordinance, may  
56 provide that any person or entity holding an event without a



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57 valid permit, or any sponsor or entity conducting an event  
58 that creates a public nuisance or that fails to close the  
59 event upon order by law enforcement, may be subject to a civil  
60 fine of not more than two hundred fifty dollars (\$250) to be  
61 assessed as provided in the ordinance. The amount of the civil  
62 fine shall be increased to five hundred dollars (\$500) for a  
63 second violation and one-thousand dollars (\$1,000) for a third  
64 or subsequent violation by the same person or entity. Any law  
65 enforcement officer may issue a civil citation alleging a  
66 violation of the ordinance. The ordinance shall provide that a  
67 person or entity charged with a violation may pay a civil fine  
68 to the county commission or request a due process hearing  
69 before the county commission or its hearing officer. The  
70 county commission shall make the final decision on the alleged  
71 violation. The county commission's finding and assessment of a  
72 civil fine shall be final within 30 days thereof unless  
73 appealed to the Circuit Court of Henry County based on the  
74 administrative record of the hearing. Any fine due shall be a  
75 debt owed to Henry County and shall be enforceable by civil  
76 action in the same manner as any other debt. The person or  
77 entity owing the fine shall be liable for all costs, including  
78 court costs and attorney fees, if an action is taken in court  
79 to collect the fine.

80           Section 3. This act shall not apply to events such as  
81 weddings and church functions that do not charge an entry fee  
82 or paid ticket to participate.

83           Section 4. This act shall become effective on June 1,  
84 2024.